

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

AARON SCHOSSAU
SANDRA SCHOSSAU

Chapter 7
Case No. 11-45451
Hon. Walter Shapero

Debtor.

**TRUSTEE'S MOTION FOR TURNOVER OF
UNDISCLOSED AND NON-EXEMPT ASSETS AND DOCUMENTS**

NOW COMES Chapter 7 Trustee, Timothy J. Miller, by and through its attorneys, OSIPOV
BIGELMAN, P.C., and states as follows:

Jurisdictional Basis

1. This is a contested matter brought pursuant to 11 USC 542 and B.R. 9014.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), over which this Court has jurisdiction pursuant to 28 U.S.C. § 157(b)(1) and 28 U.S.C. § 1334.

Factual Basis

3. The Debtors filed a Chapter 7 Bankruptcy Petition on March 1, 2011.
4. In the Debtors Bankruptcy Schedule B, they stated that they had no bank accounts.
5. On June 1, 2011, the Trustee made a demand upon the Debtors for documents, including bank statements. See attached **Exhibit B**.
6. On July 14, 2011, the Debtors finally produced documents, evidencing that in fact they had a bank account on the petition date, and that there was \$2,385.56 in the account on the petition date. See attached **Exhibit C**.
7. The Debtors concealed the existence of the account and the funds in the account which constitute property of the estate.
8. The Estate is entitled to the turnover of these funds pursuant to Section 542.

9. On September 21, 2011, the Trustee sought concurrence for the relief requested herein pursuant to LBR 9014-1(g), however, concurrence was refused.

WHEREFORE, the Trustee requests that the Court grant the relief contained in the proposed order, **Exhibit A**.

Respectfully Submitted,

OSIPOV BIGELMAN, P.C.

Date: September 21, 2011

/s/ Jeffrey H. Bigelman
JEFFREY H. BIGELMAN (P61755)
Attorneys for Trustee
20700 Civic Center Drive, Suite 310
Southfield, MI 48076
Tel: (248) 663-1800 / Fax: (248) 663-1801
E-mail: jhb_ecf@osbig.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN THE MATTER OF:

AARON SCHOSSAU
SANDRA SCHOSSAU

Chapter 7
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**ORDER GRANTING
TRUSTEE'S MOTION FOR TURNOVER OF
UNDISCLOSED AND NON-EXEMPT ASSETS AND DOCUMENTS**

THIS MATTER having come before the Court pursuant to Trustee's Motion for Turnover of Undisclosed and Non-Exempt Assets and Documents, the Motion having been served pursuant to applicable bankruptcy rules, and no response having been timely filed, and the Court being duly advised in the premises:

IT IS HEREBY ORDERED that Trustee's Motion for Turnover of Undisclosed and Non-Exempt Assets and Documents is granted.

IT IS FURTHER ORDERED that the Debtors shall turnover, within 10 days of the entry of this Order, to the Trustee \$2,385.56, which represents the Estate's interest in the undisclosed and non-exempt funds in their Huntington Bank account on the petition date.

IT IS FURTHER ORDERED if the Debtors fail to comply with this Order, that this Order shall constitute a judgment and the Trustee may take collection action against her under Fed. R. Civ. P. 69(a) to enforce the liability under this order for the balance owed plus reasonable attorney's fees incurred in collecting this liability.

EXHIBIT A

20700 CMC CENTER DRIVE
SUITE 310
SOUTHFIELD, MICHIGAN 48076

WWW.OSBIG.COM



TELEPHONE
248 663.1800

FACSIMILE
248 663.1801

June 1, 2011

Kurt R. Haskell, Esq.
14716 Allen Road, Suite 102
Taylor, MI 48180
haskelllawfirm@comcast.net

**Re: Aaron Schossau and Sandra Schossau
Chapter 7 Bankruptcy – Case No. 11-45451-wsd**

Dear Kurt:

As you know, my office represents the Chapter 7 Trustee, Timothy J. Miller, in connection with the above-referenced bankruptcy estate. Pursuant to Sections 521(a)(3) & 521(a)(4) of the Bankruptcy Code, the Trustee requests turnover of the following documents within the next ten (10) days:

1. A copy of all of the Debtors' bank statements and check registers (if not produced already) for the period January 1, 2009 through the petition date. Accounts include those in the Debtors' names, held jointly, in addition to all Stone Gate Building, LLC accounts;
2. An asset list of Stone Gate Building, LLC as of the petition date, in addition to a current list;
3. A copy of the Debtors' 2010 income tax returns;
4. The addresses for all persons or entities who received a payment from the Debtors and/or Stone Gate Building, LLC, and all documentation evidencing the basis for the payments;
5. Documentation evidencing all loans that the Debtors and/or Stone Gate Building, LLC received and made repayments upon in the year preceding the petition date, including, but not limited to the two loans made by Monroe Bank & Trust, the loan made by Willshire Credit, evidence that these loan were made, and the date, amount, and method of all repayments on each loan, and a copy of the application on each loan;
6. A copy of all of the Debtors' and Stone Gate Building, LLC's checking, savings account, and all other investment account statements, which would show the balance on all accounts on the petition date;
8. Documentation evidencing all vehicles purchased/sold/owned/used by the Debtors and/or Stone Gate Building, LLC in 2010;

EXHIBIT B

9. The most recent statements from all creditors listed in Schedule F; and,

10. The applications and/or other evidence of indebtedness, including information concerning any potential co-debtors, from/supplied to all creditors listed in Schedule F.

Your anticipated cooperation is appreciated.

Sincerely,

OSIPOV BIGELMAN, P.C.

A handwritten signature in black ink, appearing to be 'J. Bigelman', with a long horizontal flourish extending to the right.

Jeffrey H. Bigelman, Esq.

THE HUNTINGTON NATIONAL BANK
PO BOX 1558 EA1W37
COLUMBUS OH 43216-1558



SANDRA L SCHOSSAU
AARON J SCHOSSAU
2300 CARLETON WEST RD
CARLETON MI 48117-9236

Have a Question or Concern?

Stop by your nearest [Customer](#)
Huntington office or [Information](#)
contact us at: [Privacy Not](#)

1-800-480-BANK (2265)

www.huntington.com

Huntington At Work Account

Account: 02387371942

Statement Activity From:
02/17/11 to 03/18/11

Beginning Balance	\$237.53
Credits (+)	5,161.00
Debits (-)	5,048.46
Interest Paid (+)	0.06
Total Fees (-)	0.00
Ending Balance	\$350.13
Average Balance	1,477.12
Low Balance	237.53

Annual Percentage Yield Earned this statement period 0.05%

Your savings account 04381695693 is tied for overdraft protection to account 02387371942.

Important Tax Season Reminder

It's never too early to open or contribute to your Huntington Individual Retirement Account and get closer to the retirement you want. To make your contribution for 2010 or for information on how we can help you reach your retirement goals, stop by your closest Huntington branch or call 1-800-332-4600.

Deposit / Credit Activity (+)

Account: 02387371942

Date	Description	Amount
02/22	DEPOSIT	3,500.00
03/07	DEPOSIT	1,661.00
03/18	INTEREST PAYMENT	0.06

Check Activity (-)

Account: 02387371942

Check #	Amount	Date Paid	Check #	Amount	Date Paid
13509273S	1,700.00	03/11			

Investments are offered through the Huntington Investment Company, Registered Investment Advisor, member FINRA/SIPC, a wholly-owned subsidiary of Huntington Bancshares Inc.

The Huntington National Bank is Member FDIC.
Incorporated. Patent pending for the 24-Hour Grace™



EXHIBIT C

Registered service marks of Huntington Bancshares
Huntington Bancshares Incorporated.



(S) Indicates this check was converted to a Substitute Check.

(*) Indicates the prior sequentially numbered check(s) may have 1) been voided by you 2) not yet been presented 3) appeared on a previous statement.

ATM Withdrawal Activity (-)

Account: 02387371942

Date	Description	Amount
02/28	NON-HUNTINGTON CASH WITHDRAWAL *FRENCHTOWN MONROE MI 4432205383063828	203.00
03/02	HUNTINGTON ATM CASH WITHDRAWAL 10003 FREMONT PIKE PERRYSBURG OH 4432205383063810	260.00

Check Card / POS Activity (-)

Account: 02387371942

Date	Description	Amount
02/22	CHECK CARD U-HAUL-LOVING-AUTO-C #344 FLAT ROCK MI 4432205383063810	134.62
02/22	CHECK CARD MEIJER INC #117 Q01 TOLEDO OH 4432205383063810	92.47
02/22	CHECK CARD THE HOME DEPOT 3807 NORTH TOLEDO OH 4432205383063828	50.00
02/22	CHECK CARD DOLRTREE 243 00002436 TOLEDO OH 4432205383063810	33.09
02/22	CHECK CARD REDBOX *DVD RENTAL 866-733-2693 IL 4432205383063810	14.84
02/24	CHECK CARD KROGER #940 SYLVANIA OH 4432205383063810	22.28
02/24	CHECK CARD REDBOX *DVD RENTAL OAKBRKTERRACE IL 4432205383063810	2.14
02/25	CHECK CARD KROGER #940 SYLVANIA OH 4432205383063810	39.00
02/25	CHECK CARD DOLRTREE 243 00002436 TOLEDO OH 4432205383063810	14.88
02/28	CHECK CARD THE HOME DEPOT 3807 NORTH TOLEDO OH 4432205383063828	114.40
02/28	CHECK CARD SPEEDWAY 08610 TOL TOLEDO OH 4432205383063828	58.02
02/28	CHECK CARD K & H OIL & LUBE, INC TAYLOR MI 4432205383063810	54.49
02/28	CHECK CARD ON THE BORD18910001899 ALLEN PARK MI 4432205383063810	35.04
02/28	CHECK CARD WM SUPERCENTER TAYLOR MI 4432205383063810	28.98
02/28	CHECK CARD RAVE CINEMAS - 43606 TOLEDO OH 4432205383063810	28.25
02/28	CHECK CARD GET & GO TAYLOR MI 4432205383063810	14.65
02/28	CHECK CARD REDBOX *DVD RENTAL OAKBRKTERRACE IL 4432205383063810	3.18
03/01	CHECK CARD AT&T FC73 6926 TOLEDO OH 4432205383063828	271.12
03/01	CHECK CARD SAMS CLUB HOLLAND OH 4432205383063810	133.25
03/01	CHECK CARD REDBOX *DVD RENTAL 866-733-2693 IL 4432205383063810	4.27
03/02	CHECK CARD KROGER FUEL #6864 LAMBERTVILLE MI 4432205383063828	58.57
03/02	CHECK CARD TOM'S OYSTER BAR DT DETROIT MI 4432205383063828	47.14
03/03	CHECK CARD CARRABBA'S #8607 MAUMEE OH 4432205383063828	147.33
03/03	CHECK CARD SHERWIN WILLIAMS #1065 TOLEDO OH 4432205383063828	64.24
03/04	CHECK CARD GLOBALFITNESS-GYM 128-1 TOLEDO OH 4432205383063810	959.79
03/04	CHECK CARD GLOBALFITNESS-GYM 128-1 TOLEDO OH 4432205383063810	106.75
03/04	CHECK CARD BIG BOY 3 PERRYSBURG OH 4432205383063810	22.33
03/04	CHECK CARD MEIJER INC #117 Q01 TOLEDO OH 4432205383063810	9.81
03/07	PIN-BASED POS PURCH KROGER 3462 W.STERNS R KROGER 3462 W.STERNS RD LAMBERTVILLE MI 4432205383063810	60.08

Check Card / POS Activity (-)
Account: 02387371942

Date	Description	Amount
03/07	CHECK CARD CRACKER BARREL #222 MONROE MONROE MI 4432205383063810	40.32
03/07	CHECK CARD KROGER #864 LAMBERTVILLE MI 4432205383063810	20.84
03/07	CHECK CARD APPLEBEES 914910630309 TOLEDO OH 4432205383063810	18.06
03/07	CHECK CARD REDBOX *DVD RENTAL 866-733-2693 IL 4432205383063810	10.60
03/09	PIN-BASED POS PURCH KROGER 3462 W.STERNS R KROGER 3462 W.STERNS RD LAMBERTVILLE MI 4432205383063810	58.61
03/09	CHECK CARD TARGET 00006247 HOLLAND OH 4432205383063810	32.55
03/14	CHECK CARD VESTA *BOOST MOBILE 888-4409958 OR 4432205383063810	53.00
03/14	PIN-BASED POS PURCH KROGER 6235 MONROE ST. KROGER 6235 MONROE ST. SYLVANIA OH 4432205383063810	13.66
03/14	CHECK CARD REDBOX *DVD RENTAL OAKBRKTERRACE IL 4432205383063810	4.27
03/18	CHECK CARD REDBOX *DVD RENTAL 866-733-2693 IL 4432205383063810	8.54

Huntington At Work Balance Activity
Account: 02387371942

Date	Balance	Date	Balance	Date	Balance
02/16	237.53	03/01	2,385.56	03/09	2,129.54
02/22	3,412.51	03/02	2,019.85	03/11	429.54
02/24	3,388.09	03/03	1,808.28	03/14	358.61
02/25	3,334.21	03/04	709.60	03/18	350.13
02/28	2,794.20	03/07	2,220.70		

These balances do not reflect pending items that could cause your account to overdraw. Pending items are typically debit card transactions and other transactions that we hold against your account when we receive notice that they have occurred, but they haven't yet been paid out of your account.

Huntington Premier Savings Account
Account: 04381695693

Statement Activity From: 02/17/11 to 03/18/11	Beginning Balance	\$0.00
	Credits (+)	0.00
	Debits (-)	0.00
	Total Fees (-)	0.00
	Ending Balance	\$0.00
	Average Balance	0.00
	Low Balance	0.00

Easy Steps for Balancing Your Personal Checking Account

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**NOTICE OF TRUSTEE'S MOTION FOR TURNOVER OF
UNDISCLOSED AND NON-EXEMPT ASSETS AND DOCUMENTS**

Chapter 7 Trustee, Timothy J. Miller, has filed a Motion for Turnover.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, within fourteen (14) days from the date of service of the Motion, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 West Fort Street
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it within the above-referenced time period.

2. Mail a copy to:

Jeffrey H. Bigelman, Esq.
OSIPIOV BIGELMAN, P.C.
20700 Civic Center Dr. Suite 310
Southfield, Michigan 48076

3. If a response or answer is timely filed and served, the clerk will schedule a

¹Response or answer must comply with F.R.Civ.P.8(b)(c) and (e)

hearing on the Motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully Submitted,

OSIPOV BIGELMAN, P.C.

Date: September 21, 2011

/s/ Jeffrey H. Bigelman
JEFFREY H. BIGELMAN (P61755)
Attorneys for Trustee
20700 Civic Center Drive, Suite 310
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_____ /

CERTIFICATE OF SERVICE

I, Jeffrey H. Bigelman, hereby certify that on September 21, 2011, I electronically filed (1) Trustee's Motion for Turnover of Undisclosed and Non-Exempt Assets and Documents; (2) Proposed Order; (3) 14-day Notice; and (4) Certificate of Service with the Clerk of the Court using the ECF system:

Office of the U.S. Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226

Kurt Haskell, Esq.
Attorney for Debtors

Respectfully Submitted,

OSIPOV BIGELMAN, P.C.

Date: September 21, 2011

/s/ Jeffrey H. Bigelman
JEFFREY H. BIGELMAN (P61755)
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20700 Civic Center Drive, Suite 310
Southfield, MI 48076
Tel: (248) 663-1800 / Fax: (248) 663-1801
E-mail: jhb_ecf@osbig.com